IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.224 OF 2006

1. Shrikant Krishnath Tikare and anr. ..Applicants.

V/s

The State of Maharashtra
(At the instance of Juna Rajwada
Police Station, Dist. Kolhapur) ..Respondents.

Mr. Indrajeet Joshi for the applicants.

Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 31st January, 2006

P.C:

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. The applicants are arrested in connection with the offence punishable under section 302 read with section 34 of the the Indian Penal Code. It is alleged that there was a dispute in respect of the compound wall between the complainant and the present applicants and there was an altercation on the date of the incident and on account of an altercation, the complainant abused the applicants in filthy language and, therefore, the present incident had taken place.

3. It is submitted by the learned Counsel appearing on behalf of the applicants that the applicants had not assaulted the deceased but had given blows to the complainant. It is submitted that, therefore, the applicants are not responsible for the death of the deceased. It is further submitted that there are no criminal antecedents so far as the present applicants are concerned. It is further submitted that the charge-sheet has been filed.

4. The learned APP, on the other hand, invited my attention to the statements of the wife of the deceased and the other witnesses which indicate that the applicants alongwith others had assaulted the complainant and the deceased and his wife.

5. I have considered the submissions made by the learned Counsel for the applicants and the learned APP for the State. In the present case, admittedly, the charge-sheet has been filed. The applicants are in jail since last six months. The trial is not likely to be over for quite some time. The incident in question appears to have taken place all of a sudden. Considering these circumstances, I am of the view that the applicants are entitled to be released on bail after imposing certain strict conditions.

6. In the circumstances, the applicants be released on bail in connection with the offence which is registered with the Juna Rajwada Police Station under section 302 vide C.R. No.92 of 2005 in the sum of Rs 5000/- each with one or two sureties in the like amount each. The applicants, however, shall not enter the jurisdiction of Juna Rajwada Police Station, Kolhapur till the trial is over. They shall not tamper with the evidence.

7. Application is accordingly disposed of.

V.M. KANADE, J.